

SENATE BILL No. 393

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-14-4; IC 21-27-2-1.5; IC 22-4.1-4-3.

Synopsis: Veteran matters. Provides for tuition and fee exemptions for all children of disabled veterans. (Current law provides that children of veterans who enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011, receive tuition and fee reductions based on the percentage rating of the veteran.) Authorizes refunds for tuition and fees already paid by children of disabled veterans to state educational institutions before a positive determination of eligibility to receive higher education benefits has been made by the Indiana department of veterans' affairs. Provides for state educational institution students who are members of the Indiana National Guard or a reserve component of the armed forces of the United States called to active duty during an academic term to receive: (1) a tuition refund or credit; or (2) reenrollment in courses not completed due to active duty status. Requires the department of workforce development, under certain circumstances, to give: (1) a member of the armed forces of the United States, reserves, or National Guard; or (2) the spouse of a member of the armed forces of the United States, reserves, or National Guard; priority for placement in any federal or state employment or training program administered by the department. (Current law provides that this priority be given only to members of the National Guard or their spouses.)

Effective: July 1, 2016.

Raatz

January 12, 2016, read first time and referred to Committee on Veterans Affairs & The Military.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 393

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 21-14-4-2, AS AMENDED BY P.L.217-2015,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 2. (a) Subject to this section, ~~and section 2.5 of~~
4 ~~this chapter~~, an eligible applicant is entitled to enter, remain, and
5 receive instruction in a state educational institution upon the same
6 conditions, qualifications, and regulations prescribed for other
7 applicants for admission to or scholars in the state educational
8 institutions, without the payment of any educational costs for one
9 hundred twenty-four (124) semester credit hours in the state
10 educational institution.
11 (b) The maximum amount that an eligible applicant is exempt from
12 paying for a semester hour is an amount equal to the cost of an
13 undergraduate semester credit hour at the state educational institution
14 in which the eligible applicant enrolls.
15 (c) ~~This subsection applies only to an individual who qualifies for~~
16 ~~a benefit under this chapter because of a father or mother (or in the~~
17 ~~case of section 1(1) of this chapter, a related member) who enlisted or~~



otherwise initially served in the armed forces of the United States after June 30, 2011. This subsection applies to a student who initially enrolls in an eligible institution for a semester (or its equivalent) beginning after June 30, 2012. Subject to subsection (d), any benefits awarded under this chapter may not be renewed subject to subsections (a) and (b); if the eligible individual fails to maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress.

(d) After the first semester or its equivalent at the eligible institution that a person does not achieve the requisite cumulative grade point average specified in subsection (c), the person is considered to be on probation and must achieve the requisite cumulative grade point average by the next semester or its equivalent at the eligible institution in order to continue to receive benefits under this chapter.

(e) Notwithstanding any other provision of this chapter or another law, a change in the criteria for or the amount of a benefit awarded under this chapter enacted in the 2011 session of the general assembly applies only to an individual who qualifies for a benefit under this chapter because of a father or mother (or in the case of section 1(1) of this chapter, a related member) who enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011.

SECTION 2. IC 21-14-4-2.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2-5. (a) This section applies to an individual who qualifies as an eligible applicant under section 1(3) of this chapter because the individual's father or mother:

- (1) enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011; and
- (2) suffered a disability as determined by the United States Department of Veterans Affairs.

(b) This subsection does not apply to an individual who:

- (1) is an eligible applicant under section 1(3) of this chapter; and
- (2) qualifies as an eligible applicant under section 1(1) or 1(2) of this chapter.

(c) Subject to subsection (d) and section 2(b) of this chapter, the eligible applicant is entitled to a reduction in the educational costs that would otherwise apply as follows:

- (1) If the individual's father or mother suffered a disability as determined by the United States Department of Veterans Affairs with a rating of eighty percent (80%) or more, the individual is entitled to a one hundred percent (100%) reduction in education costs.
- (2) If the individual's father or mother suffered a disability as



determined by the United States Department of Veterans Affairs with a rating of less than eighty percent (80%); the individual is entitled to a reduction in education costs equal to the sum of:

(A) twenty percent (20%); plus

(B) the disability rating of the individual's father or mother.

(d) The latest disability rating determined by the United States Department of Veterans Affairs for an individual's father or mother shall be used to compute the percentage by which education costs are reduced under this section. If the disability rating of the individual's father or mother changes after the beginning of an academic semester, quarter, or other period for which educational costs have been reduced under this section, the change in disability rating shall be applied beginning with the immediately following academic semester, quarter, or other period.

SECTION 3. IC 21-14-4-5, AS AMENDED BY P.L.169-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Determination of eligibility for higher education benefits authorized under this chapter is vested exclusively in the Indiana department of veterans' affairs. Any applicant for benefits under this chapter may make a written request for a determination of eligibility by the Indiana department of veterans' affairs. The director or deputy director of the Indiana department of veterans' affairs shall make a written determination of eligibility in response to each request. In determining the amount of an applicant's benefit, the commission shall consider other higher education financial assistance in conformity with this chapter.

(b) If a positive determination of eligibility is made by the Indiana department of veterans' affairs after an eligible applicant has paid tuition and fees to a state educational institution, the eligible applicant may receive a refund equal to the amount of the tuition and fees paid to the state educational institution by the eligible applicant before the date of the determination.

~~(b)~~ (c) The commission shall administer the benefits and ensure compliance with this chapter.

SECTION 4. IC 21-14-4-6, AS AMENDED BY P.L.169-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. **(a)** An appeal from an adverse determination under section 5(a) of this chapter must be made in writing to the veterans' affairs commission not more than fifteen (15) working days following the applicant's receipt of the determination. A final order must be made by a simple majority of the veterans' affairs commission not more than fifteen (15) days following receipt of the written appeal.



(b) If a positive determination of eligibility is made by the veterans' affairs commission in an appeal under subsection (a) after an eligible applicant has paid tuition and fees to a state educational institution, the eligible applicant may receive a refund equal to the amount of the tuition and fees paid to the state educational institution by the eligible applicant before the date of the determination.

SECTION 5. IC 21-14-4-8, AS AMENDED BY P.L.169-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The amount of the benefits under this chapter is equal to one (1) of the following amounts:

(1) If the applicant does not receive financial assistance specifically designated for educational costs, the amount determined under sections 2 through 6 of this chapter.

(2) If the applicant receives any financial assistance, including federal assistance, specifically designated for educational costs:

(A) the amount determined under sections 2 through 6 of this chapter; minus

(B) the financial assistance specifically designated for educational costs.

(3) If the applicant is eligible to receive financial assistance under the Servicemen's Readjustment Act of 1944, as amended, and other acts of Congress granting a right, privilege, or benefit to veterans, the amount equal to the balance required to attend the state educational institution after the receipt of disbursed funds under the Servicemen's Readjustment Act of 1944, as amended, and other acts of Congress granting a right, privilege, or benefit to veterans.

SECTION 6. IC 21-27-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) As used in this section, "academic term" has the meaning set forth in IC 21-12-1-2.

(b) As used in this section, "active duty" has the meaning set forth in IC 10-16-7-23(a).

(c) As used in this section, "qualified student" means a member of:

(1) the Indiana National Guard; or

(2) a reserve component of the armed forces of the United States;

enrolled in a state educational institution.

(d) The board of trustees of a state educational institution shall allow any qualified student called to active duty during any



academic term to exercise any of the following options:

(1) Reenroll in any course the qualified student had remitted tuition for but was not able to complete due to active duty status. Course reenrollment shall be offered to any qualified student for a period not to exceed four (4) years after the date of release from active duty without additional tuition, student fee, or related charge.

(2) Receive a refund for tuition and fees paid by the qualified student for the academic term in which the qualified student was called or ordered to active duty.

(3) Receive a credit for a subsequent academic term for tuition and any fees paid during the academic term for courses that were not completed due to active duty status.

(e) If a qualified student has been fully reimbursed for tuition, fees, and charges for a course that was not completed due to active duty status, the qualified student is not entitled to further reimbursement under this section.

SECTION 7. IC 22-4.1-4-3, AS ADDED BY P.L.11-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this section, "active duty" means:

(1) full-time service in the:

(A) National Guard; or

(B) reserves;

for more than thirty (30) consecutive days in a calendar year; or

(2) full-time service in the armed forces of the United States.

(b) As used in this section, "armed forces of the United States" means:

(1) the United States Air Force;

(2) the United States Army;

(3) the United States Coast Guard;

(4) the United States Marine Corps; or

(5) the United States Navy.

(c) As used in this section, "National Guard" means:

(1) the Indiana Army National Guard; or

(2) the Indiana Air National Guard.

(d) As used in this section, "reserves" means reserve components of the military forces listed in subsection (b).

(e) This section applies to a member of the armed forces of the United States, reserves, or National Guard who:

(1) is a resident of Indiana; and

(2) serves on active duty.

(f) Unless otherwise provided by federal law, the department



1 shall give a member of the **armed forces of the United States,**
 2 **reserves, or** National Guard or the spouse of a member of the **armed**
 3 **forces of the United States, reserves, or** National Guard priority for
 4 placement in any federal or state employment or training program
 5 administered by the department if the member or the member's spouse:

6 (1) submits documentation satisfactory to the department
 7 establishing the dates of the member's active service; and

8 (2) meets the eligibility requirements for the program.

9 ~~(e)~~ (g) The priority status under subsection ~~(d)~~ (f) for a member of
 10 the **armed forces of the United States, reserves, or** National Guard
 11 expires one (1) year after the date the member is discharged or released
 12 from active duty.

13 ~~(f)~~ (h) The priority status under subsection ~~(d)~~ (f) for the spouse of
 14 a member of the **armed forces of the United States, reserves, or**
 15 National Guard expires on the date the member is discharged or
 16 released from active duty.

